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No. 83-1776

IN THE

Supreme Court of the United States

OCTOBER TERM, 1983

M. W. ZACK METAL CO.,

Petitioner,

—against—

THE SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK, et al., etc.,

Respondents.

RESPONDENT FEDERAL INSURANCE COMPANY'S BRIEF IN OPPOSITION

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RESPONDENT FEDERAL INSURANCE COMPANY'S* BRIEF IN OPPOSITION

This is the fourth time the M. W. Zack Metal Co. has petitioned this Court for a Writ of Certiorari during the twenty-three year period the matter has been litigated in various courts. The first three were denied at 423 U.S. 835, (1975); 439 U.S. 894, (1978); and 103 S.Ct. 449 (1982).

Petitioner's "Concise Statement Of The Case" covers twenty-three pages. It is replete with allegations that American and German Courts have been "deceived" by various parties and attorneys who acted "shamelessly" (p. 9)** by "falsifying facts" (p. 10), using "unlawful actions" (p. 11), "false arguments" (p. 20), "deceit" (p. 28), "paying for these decisions" (p. 32) all resulting in "a real, live, stinking occurance [sic] in the annals of modern-day justice" (p. 35).

Petitioner also accuses both State and/or Federal Courts of having "unconstitutionally decided" matters (p. 36); "arbitrarily and capriciously" denying due process (pp. 37); "arbitrary conduct" (p. 43), and issuing decisions that "express the personal predilections of the law assistant, the architect of this decision" (pp. 44).

This respondent, Federal Insurance Company cannot possibly improve upon the language of Judge Meskill in his opinion for the Court of Appeals for the Second Circuit in *M. W. Zack Metal* v. *International Navigation Corporation of Monrovia,* 675 F.(2d) 525, 530, (2d Cir.) *cert. den.* 103 S.Ct. 449, (1982), when he said:

> "We do not approve of the scatter shot approach taken by Zack's counsel over the last twenty-two years in seeking to recover for the cargo loss. We do not know, however,

*Federal Insurance Company is a wholly owned subsidiary of the Chubb Group of Insurance Companies.

**Page references are to the Petition.

whether it should be attributed to incompetence or bad faith."

WHEREFORE, it is submitted that the writ should be denied in all respects.

Dated: June 12, 1984.

Respectfully submitted,

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